

REMARKS

I. Status of the Claims

By this Amendment, claims 13, 15, and 17 have been amended, and claims 1-18 are pending and examined. Claims 13, 15, and 17 have been amended to remove recitation of stroke, head injury, Alzheimer's disease, Parkinson's disease, and tinnitus, as more specifically shown in the present listing. Claim 13 is also amended to remove recitation of analgesic. Claim 15 is also amended to remove recitation of alleviating pain. Accordingly, no new matter has been added.

II. Interview Summary

Applicants thank Examiner Chang for conducting a telephone interview with their undersigned's representative on April 19, 2010, wherein the Examiner indicated that Applicants' proposed claim amendments would be favorably considered.

III. Rejections Under 35 U.S.C. § 112

A. Claims 10-18

Claims 10-18 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description and enabling support with respect to compositions for and the treating of stroke, head injury, Parkinson's disease and tinnitus. (Final Office Action, pg. 2, ¶ 3.) The Office similarly rejected all the claims, 1-18, for allegedly lacking an enabling disclosure with respect to the same subject matter. (Final Office Action, pg. 4, ¶ 5.) Applicants respectfully disagree for the reasons of record.

With respect to claims 10-18, without in any way conceding the propriety of the rejection and solely in an effort to expedite prosecution in this application, the present Amendment removes reference to the conditions objected to by the Office. Specifically,

claims 13, 15, and 17 are amended to remove reference to stroke, head injury, Parkinson's disease and tinnitus, rendering the rejection moot. In view of these amendments, Applicants respectfully request that this rejection be withdrawn.

Further, Applicants respectfully note that claims 1-9 are compound claims, and none recite treatment for stroke, head injury, Parkinson's disease or tinnitus. Accordingly, the rejection for lack of enablement is erroneous. Indeed, the Office indicated that "compounds of formula (I) and pharmaceutically acceptable acid addition salts useful in manufacturing analgesic compositions or used as analgesic, i.e., treating pain **are allowable.**" (Final Office Action, pg. 5, ¶ 6. (emphasis added)) Thus, there is no issue of enablement with these claims.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Office, placing claims 1-18 in condition for allowance. Applicants submit that the proposed amendments of claims 13, 15, and 17 do not raise new issues or necessitate the undertaking of any additional search of the art by the Office, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Office.

Applicants, therefore, request the entry of this Amendment, the Office's reconsideration of the application, and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: April 20, 2010

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